App F IX 4

Previous References
mle 37-30-87, 102

193 (mle) .

File No. 159-31
Serial Nos. 1, 2

Later References

PRESERVED

General and Revenue Secretariat.

Serial Nos Two

Part B for Nov '32

SUBJECT.

Payments to some employees attending Court

---

2 2) To Mr Compilering. L 7438 & S S 32

Issues a mle-mdm from to Sec-46 of the Mine Regns

mxb-
2815

3435/p 31

L 2941

App F III—2]

General and Revenue Secretariat

File No 159 of 1931

Serial No

GENERAL SECRETARY
28 JAN 1932
No 3708

Flag V

Letter no A2 390-31 dated 15/1/32 from the President DBd Hassan, forwarding a copy of the resolution give DBd that they are not prepared to pay the T A to municipal or DBd employees attending Courts to give evidence on facts which have come to their knowledge in their official capacity

ml file 37-30-102 leading to the Govt no L 8686-8701 ml 37-30-102 dated 24th April 1931, on the subject is put up

2) It is against this order that the DBd of Hassan have resolved not to pay

3) Submitted for orders, the Law Dept. may be consulted

28/1/32

4) The Dt Board have not given any reasons for their resolution except that they think that the parties summoning the witness should pay their T A NO such reference has been received from any other DBd or Municipality

For orders

5) (Sen'l Secy) 27/1

6) Mayh Sect to the Prot Branch for remarks

Prot Br) 30/1/32 31/1

7) There is no such provision for payments by parties of witnesses before civil courts & for that reason action adopted seems quite

NOTE—Contn Sheet

WD 02553—30 000—GPB—8 7 30

have to pay better to P. W. S. or Public. cases

At present witnesses are not ordinarily paid batta in Courts unless they are poor, in which case they are paid as a daily. In Sessions Courts witnesses are classified into 4 divisions according to stations in lines of the batta ranges from 4 as. to Rs 3 per day.

Guard servants attending civil courts as official witnesses claim T A under the S R & the charges are debited to the Depot to which the officer belongs

Sometimes the T A of the servants of local authorities attending such courts as official witnesses ought to be borne by the Court but they are not prepared to pay the T A, & such witnesses with have to be treated as more official witnesses & paid by the Court, as persons subject to the control of the Court

Serial No

Payment of hon'ble Ministers & Members - attending Govt etc to [redacted] meetings in their offl capacity has been recently sanctioned.

8) Submd for orders

Sg MSK 8/3

9) Under the M.S.R for Servants who are summoned in Criminal Cases as para 7A. by the Govt A similar rule ought to apply in regard to local bodies also. Where officials of local bodies are summoned as witness to depose to facts which have come to their knowledge in their official capacity, the T A may be borne by the local bodies. In other cases, the Govt may pay it. As regards civil cases, the parties may be called as for other witnesses.

L S G Br) 25/7/32

A-

10 Submd with ref to para 6

6655/7/3

1/3/32 ✓

A This is what was added in G.O No f 8686-701-Ele 37-30-102 dt 24 4 1931 Both the Hon'ble Ministers said that they are not prepared to pay but that the parties summoning these officials should pay. Regarding the latter, please see note of the Secretary Br in para 7

For orders

Asst 4/3

Secy)

GENERAL SECRETARY.

Noti—Contn Sheet

15 MAR 1932

No 6655

D 70—GBPM—60 000—13 8 31

17/3 Dept Regn under which the order cannot be enforced after 16th

Light.

File No of 193 | General and Revenue Secretariat

13) May be sent to the Presidents Bds for kindly pursuing and the matter in the light in which the view of the Govt of 24-2-32 may be enforced.

DS 22/3/32

14 Under Sec 90 of the Regulation the recruitment, pay, leave &c of the Officers of the DB Boards should be regulated by the M S R & the special or general orders & rules made by Govt in this behalf. If the payment of Rs by the DB Bds ordered in the GO of 24 4 1931 can be regarded as a duty imposed upon the Boards under the Regulation, action may be taken under Sec 96 to enforce the order.

The Law Dept may be consulted

Govt Secy) Asst 23/3

19 Yes 23/3

Asst Secy Lawson Work camps) Am 29/3

GENERAL SECRETARIAT 24 MAR 1932 No 1377

15) As far as the District Boards are concerned, the Govt order of 24th April 1931 is easily enforceable. It may be construed as an order either under Sec 89 or 90 ~~of the~~ or 100(2)(g) of the DB Regn. The expenditure would then be one that the DB ought to incur under Sec 65 Cl(c) Cases of refusal to perform the obligation thus imposed can be easily ~~not~~ met by the powers vested in Govt

267 Law

Serial No

(3

under sections 91 and 96 of the Dt Bd Regn

247 - 1205

17) In the case of Municipalities however the G O of 24 4 31 to become legally enforceable requires a rule to be framed by Govt under Sec 46 (b) (ii). I would therefore suggest that a rule be issued under the powers vested in Govt under Proviso (a) to sec 46 of the Mpl Regn, so far as municipalities are concerned and under sec 100 (2) (g) of the Dt Bd Regn so far as Dt Bds are concerned, so as to remove all apprehensions in the matter of its enforcibility. The rule may be as follows:—

"When a municipal or a District Board employee attends a criminal court on being required to do so by such court to give evidence on matters which have come to his knowledge in his capacity as such employee, he shall be granted travelling allowance from the funds of the local body concerned as if the journey was performed on duty"

The Chairman Dt Bd in refusing to comply with the terms of the G O of 24 4 31 has evidently not understood the force of the Govt order

Gen Secy)

BVP 2/4/32

GENERAL SECRETARY. 2-APR 1932 No 6624

NOTE—Contn Sheet

WD 02751—GPB—50 000—8 / 30

294

File No of 193

General and Revenue Secretariat

~~[illegible]~~

20) I agree that a rule has to be framed as proposed to give effect to the G.O.

II Member

OFFICE OF THE SECOND MEMBER OF COUNCIL
11 APR. 1932
No. 8514

21) I agree Mr. Rajagopalan's suggestions must be borne in mind

Rejn

S & G Brg

Submitted with two drafts

Sec'dy)

II Member

OFFICE OF THE SECOND MEMBER OF COUNCIL
28 APR 1932
No. 9206

Issued vide 7438 & 7575/32 Memo dated

Notifn. the rule

Jnc 159-31-1

TEL ADDRESS "PRESBOARD"

OFFICE OF THE PRESIDENT, DISTRICT BOARD,

NO A2390-31 Hassan Dated 8th January 1932
ENCLS one

GENERAL SECRETARY. 20 JAN 1932 No 299

FROM

H B GUNDAPPA, ESQ B A B L,
PRESIDENT, DISTRICT BOARD
HASSAN

TO

P Ranga Rao, Esq , B A , B L ,
General Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore

DEPUTY COMMISSIONER'S OFFICE 16 JAN 1932 HASSAN

Through the Deputy Commissioner, Hasaan District

Sir,

Adverting to G O No 8686-8701/M1 37-30-102, dated 24th April 31, directing that Municipal or District Board employees atterding court to give evidence on facts which have come to their knowledge in their official capacity be granted T A out of the funds of the local bodies as if the journey was on duty, I have the honor to state that the District Board considered the subject at their meeting held on 23rd December 1931 and resolved that they are n t prepared to pay the T A but the parties summoning them should be made to pay

A copy of the resolution of the District Board is enclosed

I have the honor to be,
Sir,
Your most obedient servant,
H B Gundappa
President,
District Board, Hassan

No is P R 148-31
19 1 32

Forwarded with Compliments
G M Hebbalkar
Deputy Commissioner
Hassan 20/1/32

5

Proceedings of the Third ordinary meeting of the Hassan District Board, held on 23rd December 1931.

Present

H.B.Gundappa, Sq., B.A., B.L., President, District Board.

Ex-officio members. Two Non-officials Eighteen

x x x

12 G O No L 8686-8701/M1 37-30-102, dated 24th April 31, directing that Municipal or District Board employees attending court to give evidence on facts which have come to their knowledge in their official capacity be granted T A out of the funds of the local bodies as if thee journey was on duty

Resolution Recorded with the observation that the District Board are not prepared to pay the T A but the parties summoning them should be made to pay

x x x

Sd H B Gundappa,
President, District Board, Hassan

"Copy"

H B Gundappa

President,
District Board, Hassan

HBG

Appendix F G—1]

SUBJECT

Abolished 2485 6

Diary No of letter replied to L2941

General and Revenue Secretariat

(Mil)

the 193

Date of issue 5-5-32

Signed by Mr A S Rao

List of enclosures

Copied by

Examined by

Section Mil

File No 159-31

Serial No 2

No L 7438

To Notification

— under the Proviso (a) to Sec 46 of the Mysore Municipalities Regn, 1906, as amended from time to time, the Government of H. H. the Maharaja of Mysore are pleased to issue the following rule for the guidance of rules in the State in regard to the payment of T A to Municipal employees attending Courts

When a municipal employee attends a criminal court on being required to do so by such court to give evidence on matters which have come to his knowledge in his capacity as such employee he shall be granted travelling allowance from the funds of the Municipality concerned, as if the journey was

Mr. General sent to print
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GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE,

General and Revenue Secretariat,

No L 7438

Mc I 59-31-2

Dated Bangalore, 3rd May 193 2.

NOTIFICATION

Under the proviso (a) to Section 46 of the Mysore Municipal Regulation, 1906, as amended from time to time the Government of His Highness the Maharaja of Mysore are pleased to issue the following rule for the guidance of Municipal Councils in the State, in regard to the payment of travelling allowance to municipal employees attending courts :-

"When a Municipal employee attends a criminal court on being required to do so by such court to give evidence on matters which have come to his knowledge in his capacity as such employee, he shall be granted travelling allowance from the funds of the Municipality concerned, as if the journey was performed on duty?

By Order,

A Sreenivasa Rao

For General Secretary to Government.

To

The Compiler, Mysore Gazette, for publication and supplying 25 copies direct to each Deputy Commissioner and 100 copies to Secretariat.

M.R.7.
3-5.

performed

By

No. General Se
12/4

83/4

To The comptroller mysore

Rs 7439-46 ...

memo .. copy to Des. of

[redacted] MUNICIPAL AND LOCAL BOARDS

(8

[redacted] No. M. 159-31-2, *dated 3rd—5th May* 1932

[redacted] section 46 of the Mysore Municipal Regulation 1906 as [redacted] the Government of His Highness the Maharaja of Mysore are [redacted] rule for the guidance of Municipal Councils in the State in [redacted] allowance to Municipal employees attending Courts —

[redacted] employee attends a Criminal Court on being required to do so by [redacted] on matters which have come to his knowledge in his capacity as [redacted] be granted travelling allowance from the funds of the Municipality [redacted] on duty

By Order,
H V RAMASVAMI,
Offg *General Secretary to Government*